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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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9 ALEXANDER OCASIO,) 3:08-cv-00441-HDM-RAM
10 Plaintiff,)
11 vs.) ORDER
12 E.K. McDANIEL, et al.,)
13 Defendants.)
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15 The court has considered the report and recommendation of the
16 United States Magistrate Judge (#50) filed on October 27, 2009, in
17 which the magistrate judge recommends that this court enter an
18 order denying plaintiff's motion for a temporary restraining order
19 (#13) and plaintiff's motion for a preliminary injunction (#12).
20 Defendants opposed the motions (#15), and plaintiff replied (#16).

21 The court has considered the pleadings and memoranda of the
22 parties and other relevant matters of record and has made a review
23 and determination in accordance with the requirements of 28 U.S.C.
24 § 636 and applicable case law, and good cause appearing, the court
25 hereby

26 ADOPTS AND ACCEPTS the report and recommendation of the United

States Magistrate Judge (#50). In response to plaintiff's objections (#51), the court notes that the magistrate judge properly and accurately represented his claims. Further, plaintiff makes no allegations concerning the security pen or its alleged deficiencies in his complaint; rather, Count 2 of his complaint, which asserts his claim relating to legal supplies, mentions only that he is being denied sufficient paper and envelopes. Finally, the magistrate judge did not err in applying the "actual injury" standard to plaintiff's claim for injunctive relief. See *Maulden v. Henry*, 166 F.3d 1218 (9th Cir. 1998) (unpublished disposition) (applying actual injury standard to prisoner's motion for preliminary injunction); *Thomas v. Lewis*, 1996 WL 742367 (9th Cir. 1996) (unpublished disposition) (same).

Accordingly, the plaintiff's motion for a temporary restraining order (#13) and his motion for a preliminary injunction (#12) are hereby **DENIED**.

IT IS SO ORDERED.

DATED: This 30th day of November, 2009.



UNITED STATES DISTRICT JUDGE